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10 Attorneys for Respondent

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

13 **CLARKE SHELDON LOWE,**

14 Petitioner,

15 v.

16 **JAMES E. TILTON, Secretary, California**
17 **Department of Corrections and Rehabilitation,**

18 Respondent.

07CV 2232 LAB (CAB)

**MOTION FOR AN
ENLARGEMENT OF TIME TO
FILE RESPONDENT'S MOTION
TO DISMISS OR ANSWER**

19 Respondent respectfully requests a 30-day enlargement of time to file Respondent's
20 motion to dismiss or answer in the above-entitled matter. The motion to dismiss is due on February
21 21, 2008, and the answer is due on March 4, 2008. This is Respondent's second request for an
22 enlargement of time in this matter. It is based upon the following declaration:

23 I, SABRINA Y. LANE-ERWIN, declare under penalty of perjury under the laws of the
24 Unites States of America that the following is true and correct:

25 1. I am the Deputy Attorney General assigned to handle all pleadings in the above-entitled
26 matter.

27 2. Since I returned to my office on January 14, 2008, after being off of work since
28

1 December 27, 2007, following surgery, I have completed several cases that were assigned to me
2 before this case, including: *People v. Frias* (G038263), *People v. Hekmat* (G038171), and *People*
3 *v. Wooley* (D050459). Today I will finish my draft of a petition for rehearing (*People v. Delgado*
4 (G037932) that I must have reviewed, processed and filed by February 19, 2008. I have also
5 prepared for a federal court hearing on a death penalty case scheduled for February 15, 2008, in
6 *Mayfield v. Ayers* (CV 97-3742-AHS). I am currently working on an issue that unexpectedly arose
7 in that case. In my first request for an enlargement of time I stated that I planned to turn my attention
8 to this case after the hearing in *Mayfield*. That is still my intent. Thus, I do not expect that I will
9 require any further enlargements of time. For the foregoing reasons, I am requesting a 30-day
10 enlargement of time.

11 Dated: February 13, 2008, San Diego, California.


12 Respectfully submitted,

13 EDMUND G. BROWN, JR.
Attorney General of the State of California

14 DANE R. GILLETTE
Chief Assistant Attorney General

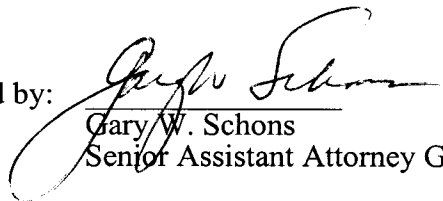
15 GARY W. SCHONS
Senior Assistant Attorney General

16 BARRY CARLTON
Supervising Deputy Attorney General

17 
18 SABRINA Y. LANE-ERWIN
Deputy Attorney General

19 Attorneys for Respondent

20
21
22
23 Approved by:


Gary W. Schons
Senior Assistant Attorney General

24
25 SYL-E:kw
26 SD2007701166
27
28

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Lowe v. Tilton**

No.: **07cv2232**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

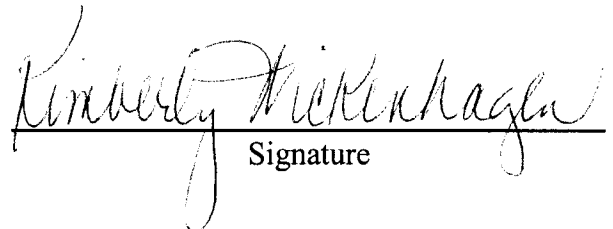
On February 15, 2008, I served the attached **motion for an enlargement of time to file respondent's motion to dismiss or answer and proposed order granting enlargement of time** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West "A" Street, Suite 1100, San Diego, California 92101, addressed as follows:

**John Lanahan
550 West C Street #1670
San Diego CA 92101-8557**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on February 15, 2008, at San Diego, California.

Kimberly Wickenhagen

Declarant


Signature